

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE: **THOMAS WILLIAM LINCOLN**

CHAPTER 13

CASE NO. 21-50419

Debtor. _____/

JENNA MARIE KELLERMAN,

Plaintiff,

Adversary Proceeding No. 21-05018

v.

THOMAS WILLIAM LINCOLN,

Defendant.

**MOTION TO APPROVE STIPULATION AND ENTER ORDER
EXCEPTING FROM DEBTOR'S DISCHARGE PART OF THE DEBT OWED TO
JENNA MARIE KELLERMAN**

COMES NOW the Plaintiff, Jenna Marie Kellerman (hereinafter "Ms. Kellerman"), by and through her undersigned counsel, and files this motion on consent (the "Consent Motion") seeking entry of a stipulation and order, substantially in the form attached hereto as **Exhibit A** (the "Stipulated Order"), excepting from discharge a debt owed to her by the Debtor Thomas William Lincoln ("Mr. Lincoln"), and in support thereof respectfully states as follows:

1. This Court has jurisdiction to consider this Consent Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue is proper under 28 U.S.C. §§ 1408 and 1409.

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2. The statutory predicates for the relief requested herein are sections 105 and 523 of title 11 of the United States Code (the “Bankruptcy Code”).
3. On August 5, 2021 (the “Petition Date”), Mr. Lincoln filed a voluntary petition under chapter 13 of the Bankruptcy Code in this Court. Ms. Kellerman is one of the creditors identified in Mr. Lincoln’s petition.
4. Herbert L. Beskin was appointed the chapter 13 trustee (the “Trustee”).
5. This Court confirmed Mr. Lincoln’s Chapter 13 Plan by order entered on October 28, 2021.
6. On November 15, 2021, Ms. Kellerman filed her Complaint to Determine Dischargeability of Debt.
7. Mr. Lincoln and Ms. Kellerman have conferred and engaged in settlement discussions to except Ms. Kellerman’s debt from Mr. Lincoln’s discharge without incurring the expense of further litigation. Counsel for Mr. Lincoln has reviewed the Stipulated Order and have given his consent to the relief sought in this Consent Motion.

WHEREFORE, for the reasons set forth herein, Ms. Kellerman respectfully requests that the Court enter the Stipulated Order and grant such other and further relief as may be deemed just and appropriate.

Dated: December 30, 2021

Respectfully submitted,

JENNA MARIE KELLERMAN

/s/ Shannon T. Morgan

Counsel for Plaintiff

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